

HOW DO I KNOW MY RECORD HAS BEEN EXPUNGED?

Upon your petition being approved, a copy of the Final Order will be mailed to you. Those agencies involved in your case will be sent certified copies of the Court's Order to Expunge, and are required to return to the Clerk of Courts, signed affidavits they have complied with the Courts' Order. This process generally takes six (6) months for completion. Please be aware that although the Clerk of Courts sends the notifications out in a timely manner, we have NO control on response from outside agencies.

Further, it is YOUR responsibility to contact those agencies who may not respond upon the Clerk of Courts first notice to them. Should it be necessary to serve an agency with a 2nd Request to destroy their records, it is **Your** responsibility to obtain a certified copy of the court order and to forward the 2nd notice to that agency. There will be an additional fee of \$12.00 per certified copy.

Inquires regarding the progress of the Expungement process should be made in person at the Clerk of Courts Office and a photo ID is required to obtain any information on your case. If you contact the Clerk of Courts Office by phone, you will need to provide the Miscellaneous Docket (MD) case number your petition is filed under to obtain any information.

You may check your criminal record at www.ujportal.pacourts.us.

FINAL NOTE

You may petition the Court Pro Se, for the Expungement of your criminal record. As in all court proceedings, *obtaining an attorney* to handle matters of this nature would be in your best interest. Any conviction such as having entered a guilty plea to a criminal offense with a grading of a misdemeanor or felony OR in those cases in which a jury may have returned a verdict of guilty against you, is not expungeable except in certain circumstances. You may refer to Title 18 PA CS 9122 for details.

The petition provided with this brochure is strictly for petitioning the court for an Expungement of a **SUMMARY OFFENSE** conviction.

To expedite the filing process, you should first obtain the Record Search from the PA State Police, Docket Transcript, Disposition and a paid in full receipt from the Magisterial District Judge where your summary offense was filed prior to the time you come to the Clerk of Courts Office to file your petition.

Please note: Entire process takes approximately six(6)months to complete.

Act 134 - 2008

EXPUNGEMENT

PROCEDURES

FOR SUMMARY OFFENSES

JUDY R. ENSLEN

CLERK OF COURTS

BEAVER COUNTY COURTHOUSE

810 THIRD STREET

BEAVER, PA 15009

Call 724-770-4593 for Expungement inquiries

According to Pennsylvania law, Title 18 P.A. CS 9122, certain circumstances allow individuals to obtain permission to remove their name and case files from the criminal justice system. An Expungement purges your criminal record from the files of the Clerk of Courts and other criminal justice agencies. A background check for healthcare workers, etc., will produce details of your case that might affect future employment opportunities, your ability to be bonded, or obtain a gun permit. Your case remains a matter of public record until a Petition for Expungement is filed and subsequently granted by a Judge of the Court of Common Pleas. Only Non-Conviction offenses are eligible to be expunged.

Act 134 of 2008 went into effect on January 26, 2009, and amends Title 18 as follows:

(3)(i) An individual who is the subject of the information petitions the court for the Expungement of a summary offense and has been free of arrest or prosecution for five (5) years following the conviction for that offense

(ii) Expungement under this paragraph shall only be permitted for a conviction of a summary offense.

WHERE DO I BEGIN?

Call or visit the Clerk of Courts Office to receive the standard forms necessary to file a petition for Expungement. Your entire petition must be typed on 8 1/2 x 11 inch paper or you may complete the blank petition contained in the Expungement Packet. Your Petition requires the following information to be included:

- 1) Cover Sheet
- 2) Petition/Motion
- 3) Copy of Official Docket Transcript from the Magisterial District Judge (MDJ) where the charge was filed.
- 4) Paid in full receipt from the MDJ Office.
- 5) Pennsylvania State Police "Rap" Sheet. This case be obtained through the PSP by submitting an on-line computer request at <https://cpatch.state.pa.us>.
- 5a) There is a \$10.00 fee to obtain this record check. You must have a credit card ready when you request this from the PA State Police.
- 6) Preliminary Order
- 7) Final Order (you must complete all blank areas)

It is YOUR responsibility to serve a copy of your petition on the District Attorney's Office. You may obtain a packet of the above information from the Clerk of Courts Office or from the Law Library's Pro Se Section. You may also obtain this information through the Clerk of Courts link on Beaver County's web-site at: www.beavercountypa.gov.

FILING YOUR PETITION

Bring the original petition to the Clerk of Courts Office between the hours of 8:00 a.m. and 3:30 p.m. There is a non-refundable filing fee of \$126.00 (\$131.00) if Petition is not on a Common Pleas Criminal Case Number, required at the time of filing. Payment may be made in cash, money order, Visa or MasterCard. Money Orders are to be made payable to "Clerk of Courts". The Court will then schedule a hearing date on the petition. Generally, hearing dates are scheduled 30 days after the petition is filed, to allow the District Attorney time to review the petition and notify the court of any objections. Once the Court approves your Application for Expungement, the Clerk of Courts Office will notify you by mail of the approval of the order and will then notify all involved agencies to destroy and purge their records. It is YOUR responsibility to include those agencies you wish to be notified. The agencies are also mandated to return to the Clerk of Courts, affidavits stating they have complied with the Courts' order to Expunge and have removed all identifiers of your arrest record. Please note, the Court will not approve your application until your original probation period has expired, regardless of whether you have received an early termination of probation. Lastly, it is **your** responsibility to send out any second notice to any agency who may have not responded. Should you need to serve a 2nd notice, there is a fee of \$10.00 per certified copy of court order. You will also need to make a note of your Criminal Case number in the event a second service is needed, as after the Court signs the Order for Expungement, your name will be redacted from the criminal index and we will have no way of accessing your record.